

VIRGINIA TRANSFORMER CORP.,)
)
Plaintiff/Counter-defendant)
)
v.) Civil Action No. 7:18-cv-00143
)
ALEXANDER EBBERT,) By: Elizabeth K. Dillon
) United States District Judge
Defendant.)

2. Virginia Transformer Corp.'s motion to dismiss (Dkt. No. 16) is GRANTED IN PART and DENIED IN PART. It is DENIED as to Ebbert's breach of contract claim and Section 1981 retaliation claim. It is GRANTED as to his Section 1981 wrongful discharge claim, which is hereby DISMISSED WITHOUT PREJUDICE. Ebbert shall have 21 days from the entry of this order to file a third amended counterclaim. Unless the EEOC has completed its 180-day period of review and issued a new notice of right-to-sue by that time, the counterclaim should contain only the breach of contract claim, the Section 1981 retaliation claim, and, if Ebbert wishes to re-assert it, a Section 1981 wrongful discharge claim.

The clerk is directed to provide copies of this order and the memorandum opinion to all counsel of record.

Entered: March 28, 2019.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge